

**Board of Public Works
December 9, 2009**

A regular meeting of the Board of Public Works of the Consolidated City of Indianapolis, Marion County, Indiana, was held the 9th day of December 2009, in the Public Assembly Room of the City County Building. Chair David Sherman called the meeting to order at 1:00 p.m.

Board members in attendance were: David Sherman Robert Parrin Cassie Stockamp
Angel Rivera Kenneth Hughes Dennis Rosebrough

Absent: Vinnie Rao

Staff in attendance were:

Larry Jones	Mike Smith	Sandy Shafer
Nathan Sheets	Marvin Baker	Robert Ransom
LeAnnette Pierce	Andrea Brandes	Steven Nielsen
Karen Haley	Darrell Fishel	Jeff Sirmin
Greg Wilson	Monica Ferguson	Jeremy Kosegi

ITEM # 1 – APPROVAL OF MINUTES

Upon a motion by Ms. Stockamp, seconded by Mr. Rosebrough, the Board voted 6-0 to approve and accept Board Minutes from October 14, 2009.

ITEM # 2 – PUBLIC HEARING RESOLUTION

The Public Hearing was opened.

Public Remonstrance Hearing for the Belmont North Relief Interceptor Project, Phase III (Force Main)
Project No. SS-24-001G

Director Sherman made the standard opening comments for the regular meeting of the Board of Public Works, then introduced the Board's Attorney, Ms. Pierce. Ms. Pierce, Office of Corporation Counsel, stated that this was a special public hearing called to order by the Board of Public Works for the purpose of hearing remonstrance regarding awards for property being acquired for Phase III of the Belmont North Relief Interceptor Project DPW Project No. SS-24-001G. This hearing is held pursuant to Indiana Code 36-9-25-23 and involved financial damage awards preliminarily awarded by the Board of Public Works by way of Resolution No. 102, 2009, adopted by the Board on October 11, 2009. On that date, the Board preliminarily awarded damages to the sole property owner affected by the project in the amount representing the average of the fair market value determined by each of two independent appraisals performed for the real estate. A list of property owners affected by the acquisition of land for the Phase III of the Belmont North Relief Interceptor Project has been compiled and pursuant to Indiana Code 36-9-25-21(a), a written notice was served upon the owner of each piece of property, showing the amount of the award, by leaving a copy at the person's last usual place of residence in the municipality or county or by delivering the copy to the owner personally. The Notice of the Public Hearing was published in the Indianapolis Star on November 21, 2009, pursuant to Indiana Code 36-9-25-21(b) and Indiana Code 5-3-1.

Ms. Pierce briefly described the purpose of this public hearing and the procedures to be followed. She stated that at this hearing, the Board shall hear remonstrance regarding awards for property to be acquired. A

person notified or considered to be notified under prior actions of the Board and its official notices may appear before the Board today to remonstrate, and they may remonstrate in writing against the preliminary damage awards. All persons appearing before the Board who have an interest in land or rights-of-way to be appropriated or injuriously affected must be given a hearing. After the remonstrances have been received and the hearing held, the Board shall either sustain the awards or modify the awards by increasing or decreasing them. A person who has remonstrated in writing today and who is aggrieved by the decision of the Board may, within ten days after the Board's decision, take an appeal to the Circuit or Superior Court of Marion County. Any person wanting to discuss a written remonstrance or to make comments to the Board may come forward and speak in the microphone when directed to do so by the Board Chairman. At that time, the person is to identify themselves by name and address and state their interest and concerns. After all remonstrators and public comments are heard, the Board will make a motion as to whether to adopt a confirmatory resolution, Resolution No. 108, 2009, which confirms the amount of damages to be awarded to owners of property to be acquired. Again, Ms. Pierce stated that in order to preserve an appeal, the Indiana law requires that you file a written remonstrance at this hearing.

The Public Hearing was closed.

ITEM # 3 – RESOLUTIONS

Resolution No. 108, 2009; Public Remonstrance Hearing – Belmont North Relief Interceptor Phase III (Force Main) Project No. SS-24-001G

Staff recommended that the Board of Public Works adopt Confirmatory Damages Resolution No. 108, 2009, which is the Board's final, Confirmatory action to sustain or modify damage awards preliminarily determined by the Board on November 11, 2009. On December 9, 2009, the Board of Public Works held a public hearing to receive remonstrance regarding awards from individuals with an interest in land or right-of-way to be appropriated or injuriously affected by Phase III of the Belmont North Relief Interceptor Project. At the conclusion of this public hearing, after considering any public comments made and remonstrances filed, the Board must make a final determination of the damages preliminarily awarded to property owner on November 11, 2009, via Resolution No. 102, 2009. The Board is required by statute to determine damages sustained by the owners of the parcels of land or right-of-way required to be taken and appropriated or that will be injuriously affected. Pursuant to IC 36-9-25-23 (b), the Board shall either sustain the awards or modify the awards by increasing or decreasing them. Upon a motion by Mr. Hughes, seconded by Mr. Rivera, the Board voted 6-0 to approve and adopt Confirmatory Damages Resolution No. 108, 2009.

Resolution No. 98, 2009: Supplemental Bond Resolution of the Sanitary District

Staff recommended that the Board of Public Works approve and adopt Resolution No. 98, 2009; Supplemental Bond Resolution of the Sanitary District. This resolution will allow the Indianapolis Local Public Improvement Bond Bank (ILPIBB) to proceed with two bond issues to provide funding for capital projects for the Sanitary District for the next 12-18 months and to replace bond insurance policies that funded Debt Service Reserve Funds for loans with the State Revolving Fund. The projected expenditures for the proposed five year capital plan (2009-2013) for the Sanitary District are \$750 million. On a cash flow basis, these projects are expected to require \$400 million for the Consent Decree project, \$127 million for Septic Tank Elimination Projects (STEP) and \$223 million of essential upgrades and rehabilitation to the existing Sanitary Sewer system and its Advance Wastewater Treatment plants. Mr. Parrin asked if the Debt Service Reserve fund was cash or bonds. Ms. Hamilton replied that she was not certain but hoped it would be cash; and she mentioned that when the municipal bonds insurance market was functioning, staff purchased bond insurance policies to fund what is called the Debt Service Reserve. She stated that the Debt Service Reserve is

a piggy bank that is set aside in case funds are not available in a timely manner to make principle or interest payment to bond holders. Mr. Rosebrough asked if the funds in the piggy bank decreases as the debt is paid off. Ms. Hamilton replied yes. Mr. Rosebrough asked whether or not the bond ordinance requires bonds to have coverage at a rate of 1.25. Ms. Hamilton replied yes, that the ordinance requires a 1.25 rate; and if for any reason the rate falls short, this Board and the manager for the Sanitary District would need to raise the rate. Upon a motion by Mr. Parrin, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Resolution No. 96, 2009 for the Declaratory Resolution of the Sanitary District.

b. Resolution No. 106, 2009; Vehicle Loading Zone on East New York Street near Delaware Street

Staff recommended that the Board of Public Works approve and adopt Resolution No. 106, 2009; for a vehicle loading zone on New York Street, from a point 170 feet east of Delaware Street to a point 210 feet east of Delaware Street. Mr. Parrin asked if forty-feet were the normal length of a loading zone. Mr. Sheets replied yes, that this location is pretty unique because the loading zone shifted a little further to the east; however, forty-feet is what staff installs throughout the city. Mr. Hughes asked if the area was currently being used for parking. Mr. Sheets replied that currently there are meters installed at this location; however, staff anticipates re-striping and improving the area in the spring. Upon a motion by Ms. Stockamp, seconded by Mr. Rivera, the Board voted 6-0 to approve and adopt Resolution No. 106, 2009.

ITEM # 4 – BID AWARDS

a. SS-24-001H; Justification for the Rejection of all Bids/Belmont North Relief Interceptor, Section 4, Lift Station
\$0.00 – Grady Brothers, Inc.

Staff recommended that the Board of Public Works reject all bids received for Project No. SS-24-001H, Belmont North Relief Interceptor, Section 4, Lift Station; and allow staff to re-bid this project in the future. This project consists of the construction of a 38 million gallons per day (mgd) wastewater lift station facility location in Juan Solomon Park, and discharge standpipe surge structure located in Coffin Golf Course. On October 22, 2009, nine bids were received; the apparent four lowest bidders, at bid submission, omitted all information required by the bidding contract documents. The difference in the cost between the apparent low bid of \$10,670,000.00, and the fifth apparent low bid of \$11,800,000.00 is \$1,130,000.00. Staff is working with DMWBD to change the bid documents in order to make the pricing information a post-bid submittal. Therefore, staff recommends that all bids be rejected and staff be allowed to re-bid this project in early 2010.

Director Sherman mentioned that for the last two-years, DPW has been consistent with improving quality service to everyone. He stated that years ago, DPW had a huge amount of tort claims simply because staff was not being consistent. He stated that he met with legal counsel on this particular issue, and although staff was uncomfortable that this occurred; it was clearly stated that if staff was not going to go along with this recommendation, staff would be doing something that it had not done in years. Further, he stated that he was happy to see Mr. Ransom's staff and the engineers come together to make certain that right documents were being submitted, so that in the future there would be less problems.

Mr. Rosebrough asked if the bid process had been modified. Mr. Nielsen replied that there was a sight change. He stated that this is a dynamite bid market that has contractors walking in and filling out bids without having copies of it, and consequently are submitting bids incorrectly. Mr. Rosebrough asked if the Purchasing Department was having pre-bid meetings. Mr. Nielsen replied that DPW holds pre-bid meetings, and warns all contractors in attendance of the city's requirements. Mr. Parrin asked with the new procedure, would the low bidders have an opportunity to respond to clarifications and questions, if the department

requested it. Mr. Nielsen replied yes.

Ms. Stockamp asked if the MBE/WBE use to be part of the post bid submittal, and if so, when did it change. Mr. Ransom replied in 2000 or 2001. Ms. Stockamp asked about the evaluations of the MBE/WBE's requirements. Mr. Ransom replied that the contractor has 72-hours, which is three days to submit the documentation and the information after the low bidder has been identified. Mr. Nielsen replied that this is not only for the MBE/WBE's; it is for all suppliers and subs above \$50,000; and to eliminate any bid shopping after the bid submittals are submitted. Ms. Stockamp asked why the change was made, and if the market had changed considerably that would cause staff to go from a post bid to a bid submittal. Mr. Ransom replied that the thought was to make sure that in order to have bidders meet the goals they should perform the work up front; and that it should be done at the time of bid to eliminate bid shopping. He further stated that there were a number of complaints that people were giving numbers, then during the 72-hours period, the contractor would change who they were going to use based on taking pricing and bid shopping. Ms. Stockamp asked what would happen if staff discovered that the lowest bidder has been bid shopping. Mr. Nielsen questioned if she meant prior to the bid. Ms. Stockamp replied after post bid. Mr. Nielsen replied that staff would decide whether to award the bid.

Mr. Sirmin from the Office of Corporation Counsel stated that over the years, staff has rejected bids after bids were submitted because subcontractors and MBE/WBE information was not supplied at the time of bid as the bid documents required, and that the good faith effort for MBE/WBE's and VBE still must be made at the time of bid. He stated what will be submitted at the time of bid will be the percentages that the contractors are proposing to use, if their percentages are less than the goals required, the box should be checked saying that a good faith effort was made, and that the contractors will have 72-hours to provide a list of subcontractors and material men, as well as the documents needed to demonstrate a good faith effort if the goals are not met. Lastly, he stated that the waiver form must establish that the effort was made at the time of bid, and that the documentation will show everything that he did do as a post bid submittal.

Mr. Rivera asked whether staff considered the possibility of having all bidders submit their documents with a smaller window rather than the lowest bidders; and that he believed there may be a better solution. Ms. Stockamp replied that she does not want to micromanage; however, she has been on both sides of the fence, and that the contractors will hold down the numbers. Mr. Greg Wilson, Director of Minority Business Development stated that one thing about the current policy is that staff is going to monitor this program very closely. He stated that he worked with Jeff Sirmin and others regarding the policy, and that his primary responsibility is to ensure a fair playing field. He stated that staff will be monitoring this for about six months, and if there is something that says there is an issue, then staff will re-visit it.

Director Sherman mentioned that the new adjustment will bring awareness to the contractor and offer opportunities to businesses that do not meet the city's goals. He stated that the purpose is to make certain in 2010 and going forward, that staff does not lose the lowest bidders; and that work is distributed among many of the businesses in town, local minority businesses, women businesses, veteran businesses and partnerships. He stated that the contractors want to make sure that they do not get knocked out of a bid because their writing was not clear, and with this new program it will help. He stated the point is to make this more inclusive, so that the city will not lose bids. Mr. Parrin commented that he was glad to hear staff moving into a positive direction. He stated that this change is entirely possible with well structure and well management. He stated that at the end of the day, the taxpayers will be saving money. Upon a motion by Mr. Rivera, seconded by Ms. Stockamp, the Board voted 6-0 to reject all bids received for the Belmont North Relief Interceptor, Section 4, Lift Station contract project.

- b. SS-24-001G; Belmont North Relief Interceptor, Section 3
\$12,457,863.45 - Merryman Excavation, Inc.

Staff recommended that the Board of Public Works award Project No. SS-24-001G, Belmont North Relief Interceptor, Sector 3 to Merryman Excavation, Inc., in the not to exceed amount of \$12,457,863.45 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of this project is \$31,154,073.15 and the percentage between the low bid and the engineer's estimate is 60%. This project is SRF funded and consists of the installation of 42-inch Force Main sewers, along with jack and bore, small diameter sewers, waterline relocations and associated restoration items. Mr. Hughes asked why does staff bother with getting the engineer's estimate. Mr. Nielsen replied staff has found that contractors are bidding at cost to keep their doors opened. He stated that there are no mark-ups and basically no profit, which means staff really needs to watch them while performing the job. He stated that the engineering staff looked at this long and hard about bringing in our own estimators, to make certain that staff was doing things correctly, and to check the engineers closely. He stated that staff called Merryman and asked if they were certain about submitting their bid packet; and asked if they had left anything out. He stated Merryman was verbally confident with everything that they had submitted, and that staff believed that Merryman can perform the work.

Mr. Hughes replied that the only one out of sync is the engineer's estimate; all the other vendors are relatively close compared to the engineer's estimate. He stated that the engineer's estimate used to be some place in the range of the bids and then you could go back and compare like you did here; however, he stated that if there is no value in the engineer's estimate why bother spending the money. Mr. Nielsen replied that staff needs to do estimates to know what the projects are costing. Director Sherman replied that Mr. Hughes brings up a good point; however, in fairness, he has talked with individuals across the country that are in the same position as he is on both sides of the business. He stated that that staff is negotiating with the Federal Government on the Consent Decree, and that estimates are coming in at 30 to 40 percent below the engineer's estimate. He stated that he has met with head companies in town, and what has been told is that they are trying to weather the storm of the economy, and are trying to keep enough money to keep their business going. He stated that this Director, and this Administration is going to put as many jobs on the street as possible and to make certain that there are no overruns.

Mr. Rosebrough stated if the contracting community can recognize the economy, and adjust its business practice accordingly; then should the engineering estimators recognize the environment of their estimating end equally. Mr. Nielsen replied that this is not just one engineer that is having this problem, it is happening to a whole region. He stated that the good news is that this project came in at 60% percent below. Mr. Rosebrough replied that the point is that staff has paid consulting engineers a lot of money for high quality performance, and that is what the service is being paid for. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 6-0 to approve the Belmont North Relief Interceptor, Section 3 Project.

- c. SD-00-041; Miscellaneous County Wide Improvements (Sten Court)
\$199,938.50 – Fox Contractors Corporation

Staff recommended that the Board of Public Works find the bid of Moe Construction non-responsive, and further, award Project No. SD-00-41, Miscellaneous County Wide Improvements (Sten Court) to Fox Contractors Corporation in the not to exceed amount of \$199,938.50 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of this project is \$272,057.00 and the percentage between the low bid and the engineer's estimate is 26.5%. This project consists of the construction of storm water inlets, manholes, pipes, ditches and concrete pavement removal and replacement

to provide positive drainage within the Winchester Village subdivision. Upon a motion by Mr. Parrin, seconded by Ms. Stockamp, the Board voted 6-0 to approve the Miscellaneous County Wide Improvements (Sten Court) Project.

- d. RS-09-028; Resurfacing in Center Township
\$1,791,281.01 – Calumet Civil Contractors, Inc.

Staff recommended that the Board of Public Works award Project No. RS-09-028, Resurfacing with Related Items of Work in Center Township to Calumet Civil Contractors, Inc., in the not to exceed amount of \$1,791,281.01 which includes Alternate # 1 through Alternate # 10 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of this project is \$1,913,210.57 and the percentage between the low bid and the engineer's estimate is -7%. This project consists of resurfacing Dr. Martin Luther King Jr. Street from Fall Creek Blvd to 30th Street with decorative crosswalk treatment, decorative intersection treatment at 25th, 29th, 30th Streets, and landscaping, bioretention, bus shelters, and way finding information signage from Fall Creek Blvd to 30th Street. Upon a motion by Mr. Rosebrough, seconded by Mr. Hughes, the Board voted 6-0 to approve the Resurfacing in Center Township Project.

- e. SD-17-052B; Northern Estates Drainage Improvements, Phase II
\$399,750.00 – E & B Paving, Inc.

Staff recommended that the Board of Public Works find the bid of the Hunt Paving Co., Inc., non-responsive, and further award Project No. SD-17-052B, Northern Estates Drainage Improvements, Phase II to E & B Paving, Inc., in the not to exceed amount of \$399,750.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of storm water improvements including installation of an infiltration ditch system, structures, ditch grading, pavement restoration/resurfacing and other appurtenances. Upon a motion by Mr. Stockamp, seconded by Mr. Hughes, the Board voted 6-0 to approve the Northern Estates Drainage Improvements, Phase II Project.

- f. CL-36-029; Culvert Replacement (5300S) Stanley Road
\$139,989.30 – Hunt Paving Company, Inc.

Staff recommended that the Board of Public Works award Project No. CL-36-029, Culvert Replacement (5300S) Stanley Road to the Hunt Paving Company, Inc., in the not to exceed amount of \$139,989.30 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of this project is \$161,310.81 and the percentage between the low bid and the engineer's estimate is -15.2%. This project consists of the removal and replacement of existing culvert at 5300S Stanley Road in Decatur Township. Upon a motion by Mr. Parrin, seconded by Ms. Stockamp, the Board voted 6-0 to approve the Culvert Replacement (5300S) Stanley Road Project.

- g. BE-76-016; North Dewatering Building Mezzanine Structural Repair at Belmont Advanced Wastewater Treatment Facility
\$64,523.00 – Moe Construction Company, Inc.

Staff recommended that the Board of Public Works award Project No. BE-76-016, North Dewatering Building Mezzanine Structural Repair at Belmont Advanced Wastewater Treatment Facility to Moe Construction Company, Inc., in the lump sum amount of \$64,523.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of this project is \$168,000.00

and the percentage between the low bid and the engineer's estimate is 61%. This project consists of the removal of existing corroded structural steel support members and replaced galvanized structure steel members. Upon a motion by Mr. Parrin, seconded by Mr. Hughes, the Board voted 6-0 to approve the North Dewatering Building Mezzanine Structural Repair at Belmont Advanced Wastewater Treatment Facility Project.

ITEM # 5 – CHANGE ORDERS

- a. BL-33-053C, C/O No. 1; Southeastern Avenue Corridor Sanitary Sewers – Phase II Division C Southeastern & Troy Avenue (Glenroy Village) Septic Tank Elimination Program (STEP)
\$63,312.00 – Atlas Excavating, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 1 for Atlas Excavating, Inc., in the increased amount of \$63,312.00 for a new contract total of \$4,352,404.00 and no increase in time for Project No. BL-33-053C. This change order includes the replacement of unforeseen storm drainage along Pasadena Street and repairs to storm pipe on other various streets within the project limits. The existing storm pipe on Pasadena Street was in conflict with the sanitary sewer construction work. Director Sherman stated that he noticed a number of change orders being approved, and asked staff to provide a list of firms particularly the low bidders to identify if there may be some concerns. Mr. Hughes asked who makes the determination of unforeseen and foreseen conditions, and asked staff to explain the difference. Mr. Smith replied staff makes the determination in their review.

Mr. Sirmin from the Office of Corporation Counsel replied that an unforeseen condition would be something that could not have been reasonably known by observing the site or the contract documents. He stated foreseen would be if staff was re-paving a job and staff decided to add a street; as long as staff had the money to do it, would be considered foreseen. He stated that staff needs to make the determination each time because the State law, with regards to public construction, limits staff to the amount of foreseeable change order to 20% percent of the bid. He stated in respect to unforeseen conditions, there is no limitation. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted to approve Change Order No. 1 for the Southeastern Avenue Corridor Sanitary Sewers – Phase II Division C Southeastern & Troy Avenue (Glenroy Village) Septic Tank Elimination Program (STEP) Project.

- b. LS-00-008B, C/O No. 1; Lift Station 313 Capacity Upgrade
\$(6,588.52) – Thieneman Construction, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 1 for Thieneman Construction, Inc., in the decreased amount of \$(6,588.52) for a new contract total not to exceed \$5,890,411.48 and no increase of calendar days for Project No. LS-00-008B, Lift Station 313 Capacity Upgrade. This change order is a result of a credit given for a substituted item using steel pipe in lieu of ductile iron and some minor items needed due to unforeseen conditions. Upon a motion by Mr. Parrin, seconded by Mr. Rivera, the Board voted 6-0 to approve Change Order No. 1 for the Lift Station 313 Capacity Upgrade Project.

- c. SD-20-003A, C/O No. 6; Shadeland Avenue and Pendleton Pike Area Stormwater Improvements, Phase 1
\$2,628.91 – Central Engineering and Construction

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 6 for Central Engineering and Construction, Inc., in the increased amount of \$2,628.91 for a new contract total not to exceed \$1,106,038.15 and no increase of calendar days for Project No. SD-20-003A,

Shadeland Avenue Area Stormwater Improvements, Phase 1. This change order is a lump sum price to shut down all remaining pipe work for the project due to Veolia delays. Mr. Rivera asked whether or not this issue could have been resolved a head of time. Mr. Smith replied that this was a case where Veolia Water was unable to obtain approval to fund this work, so it delayed the project. Upon a motion by Mr. Rivera, seconded by Ms. Stockamp, the Board voted 6-0 to approve Change Order No. 6 for the Shadeland Avenue and Pendleton Pike Area Stormwater Improvements, Phase 1 Project.

- d. SD-20-003A; C/O No. 5; Shadeland Avenue and Pendleton Pike Area Stormwater Improvements, Phase 1 \$1,242.56 – Central Engineering and Construction

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 5 for Central Engineering and Construction, Inc., in the increased amount of \$1,242.56 for a new contract total not to exceed \$1,103,409.24 and no increase of calendar days for Project No. SD-20-003A, Shadeland Avenue and Pendleton Pike Area Stormwater Improvements, Phase 1. This change order is for additional catch basin which is necessary to direct potential standing water to an inlet as designed on Irwin Avenue. Upon a motion by Ms. Stockamp, seconded by Mr. Parrin, the Board voted 6-0 to approve Change Order No. 5 for the Shadeland Avenue and Pendleton Pike Area Stormwater Improvements, Phase 1 Project.

- e. LS-00-009 B&C; C/O No. 4; SCADA Systems \$64,639.00 – Divane Brothers Electric Company

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 4 for Divane Brothers Electric Company in the increased amount of \$64,639.00 for a new contract total not to exceed \$10,163,876.47 and no increase of calendar days for Project No. LS-00-009 B&C. This change order is to provide addition, deletion and programming, and debugging with other related items. Mr. Parrin asked if these were negotiable prices. Mr. Nielsen replied yes. Upon a motion by Mr. Parrin, seconded by Ms. Stockamp, the Board voted 6-0 to approve Change Order No. 4 for the SCADA Systems Project.

- f. CS-18-035; C/O No. 2; Fall Creek Partial Sewer Separation \$(22,705.30) – Atlas Excavating

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2 for Atlas Excavating in the decreased amount of \$22,705.30 for a new contract total not to exceed \$238,064.01 and an increase of 212 calendar days for Project No. CS-18-035; Fall Creek; Partial Sewer Separation. This change order adjusts planned quantities to reflect the as built quantities. Mr. Hughes asked if staff ever used the Parks Department staff for this type of work. Mr. Smith replied for this particular work, it was best to keep this project under the direction of the DPW's project management. Director Sherman replied that in the future, this Board will have an opportunity to approve Forestry items because DPW inherited their staff from the Parks Department. Upon a motion by Mr. Hughes, seconded by Mr. Rivera, the Board voted 6-0 to approve Change Order No. 2 for the Fall Creek Partial Sewer Separation Project.

- g. BL-41-003F & SD-41-007F; C/O No. 1; Southeastern Avenue Corridor Sanitary Sewers Phase I – Septic Tank Elimination Programs, STEP & Drainage Improvements, Post Road/Ferguson Road \$128,059.84 – Eagle Valley, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change

Order No. 1 to Eagle Valley, Inc., in the increased amount of \$128,059.84 for a new contract total not to exceed \$1,699,325.84 and an increase of 20 calendar days for Project No. BL-41-003F/SD-41-007F, Southeastern Avenue Corridor Sanitary Sewers Phase I – Septic Tank Elimination Programs, STEP & Drainage Improvement, Post Road/Ferguson Road. Upon a motion by Mr. Rivera, seconded by Mr. Hughes, the Board voted 6-0 to approve Change Order No. 1 for Southeastern Avenue Corridor Sanitary Sewers Phase I – Septic Tank Elimination Programs, STEP & Drainage Improvements, Post Road/Ferguson Road Project.

ITEM # 6 - FINAL CHANGE ORDER AND ACCEPTANCE

BL-28-027; C/O No.11/FINAL; 10th and Mitthoefer Septic Tank Elimination Program
\$(20,249.55) – Howell Contractors, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 11/FINAL for Howell Contractors, Inc., in the decreased amount of \$(20,249.55) for a new contract total not to exceed \$4,046,663.21 and no increase of calendar days for Project No. BL-28-027A, 10th and Mitthoefer Septic Tank Elimination Program, and furthermore to accept this project as final. This change order is to adjust all remaining planned quantities to actual placed quantities. Upon a motion by Mr. Parrin, seconded by Mr. Rivera, the Board voted 6-0 to approve Change Order No. 11 for the 10th and Mitthoefer Septic Tank Elimination Program Project.

ITEM # 7 – PROFESSIONAL SERVICE AGREEMENTS

- a. ENG-09-014, On-Call Inspection Services
\$200,000.00 – Beam, Longest & Neff, LLC

Staff recommended that the Board of Public Works approve and authorize the Director to execute the Construction Inspection Services Agreement with Beam, Longest & Neff, LLC for Project No. ENG-09-014, On-Call Inspection Services in the amount not to exceed \$200,000.00. This agreement consists of as-needed inspection services for the 2009-2010 drainage program. Upon a motion by Mr. Rivera, seconded by Mr. Parrin, the Board voted 6-0 to approve the On-Call Inspection Services Agreement.

- b. SD-17-052B, Northern Estates Drainage Improvements, Phase II
\$32,396.89 – Beam Longest & Neff, LLC

Staff recommended that the Board of Public Works approve and authorize the Director to execute the Construction Inspection Services Agreement with Beam, Longest and Neff, LLC for Project No. SD-17-052B, Northern Estates Drainage Improvement, Phase II project in the amount not to exceed \$32,396.89. The engineer's estimate for construction is \$548,301.70. This project consists of construction of storm water improvements including installation of an infiltration ditch system, structures, ditch grading, pavement restoration/resurfacing, and other appurtenances. Upon a motion by Ms. Stockamp, seconded by Mr. Hughes, the Board voted 6-0 to approve the Northern Estates Drainage Improvements, Phase II Agreement.

- c. ENG-09-012, On-Call Design Engineering Services
\$80,000.00 – Certified Engineering, Inc.

Staff recommended that the Board of Public Works approve the Professional Services Agreement for design with Certified Engineering, Inc., for Project No. ENG-09-012, On-Call Design Engineering Services

in the amount not to exceed \$80,000.00. The engineer's estimate for construction is \$1,000,000.00. This agreement consists of on-call design of the 2010 curb, sidewalk and ramp projects and other related on-call assignments. Upon a motion by Mr. Rosebrough, seconded by Mr. Hughes, the Board voted 6-0 to approve the On-Call Design Engineering Service Agreement.

d. ENG-09-013, On-Call Design Engineering Services
\$80,000.00 – URS Corporation

Staff recommended that the Board of Public Works approve the Professional Services Agreement for design with URS Corporation for Project No. ENG-09-013, On-Call Design Engineering Services in the amount not to exceed \$80,000.00. The engineer's estimate for construction is \$1,000,000.00. This agreement consists of on-call design of the 2010 curb, sidewalk and ramp projects and other related on-call assignments. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 6-0 to approve the On-Call Design Engineering Service Agreement.

e. ENG-09-013, Consulting Services for Energy Retrofit of City Facilities
\$270,000.00 – Edward George & Associates, LLC

Staff recommended that the Board of Public Works approve and authorize the Director to execute an agreement with Edward George & Associates, LLC for an amount not to exceed \$270,000.00 for a contract term of two years ending December 31st 2011. The Office of Sustainability released a RFI for Energy Manager to assist with the execution of a guaranteed energy savings contract that will include as many as 50 city owned and operated facilities, including Public Works, Parks, Fire, and other facilities. The city has procured the services of three energy services companies who will implement energy conservation measures through a guaranteed energy savings contract in 2010. The EM will assist with candidate facility profiling and site visits, provide technical review of retrofit activities proposed by ESCOs, and ensure financial commitments and deadlines of the guaranteed energy savings contract are met.

Mr. Parrin asked about the savings with the ESCO's contracts. Mr. Hazlett replied that typically there is an energy savings of 15%. Mr. Parrin asked based on the fifty buildings, the 15% of the utility cost is what amount. Mr. Hazlett replied that the utility data is currently being gathered to provide that information; however, the last overall utility analysis that he saw in 2005 had a number of \$14 million, and about 40% percent of that was for our building utility bills. He further stated that staff expects the utility bills, which are candidates for retrofit to be a couple million dollars.

Mr. Hughes asked if there was a city wide program which would include businesses. Mr. Hazlett replied that this is just a city wide program lead by staff, that focuses exclusively on city owned and operated facilities. Mr. Hughes replied that he understood the contract; however, asked how would staff take advantage of broadening the different type of services to help the private and not-for-profit sectors. Ms. Kären Haley replied that one of the efforts that the city offers is through the Central Indiana Clean Air Partnership, which is a city ran program that works with businesses in Indianapolis to facilitate plans to make their whole operation more energy efficient, and works with their clear air emission reductions.

Director Sherman mentioned that staff has looked at the most economical things to bring a return investment for the city side. He stated that the Office of Sustainability, particularly John and Kären are always looking for grants; and people to partner with by whatever means; and that staff is looking at incentives for businesses who want to take part in greening roofs to create energy sources. He stated that this is a major part of the Mayor's initiative by making this a sustainable long term solution city; making solutions go

forward, and putting ideas together from the business community to promote programs. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve the Consulting Services for Energy Retrofit of City Facilities Agreement with Mr. Parrin abstaining.

ITEM # 8 – PROFESSIONAL SERVICE AMENDMENTS

The next five Professional Service Amendments were taken all together.

- a. ENG-08-001; 2008 Resurfacing Program Inspection, Amendment No. 2
\$0.00 – Bollinger, Lach & Associates, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 2 to the Professional Service Agreement dated January 8, 2008 with Bollinger, Lach & Associates, Inc., for Project No. ENG-08-001, 2008 Resurfacing Program Inspection in the unchanged amount not to exceed \$280,000.00. This amendment is for an extension of time only. Upon a motion by Ms. Stockamp, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Amendment No. 2 to the Resurfacing Program Inspection Agreement.

- b. ENG-08-002; Resurfacing Program Inspection, Amendment No. 2
\$0.00 – Indianapolis Testing Lab, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 2 to the Professional Service Agreement dated January 25, 2008 with Indianapolis Testing Lab, Inc., for Project ENG-08-002, 2008 Resurfacing Program Inspection in the unchanged amount not to exceed \$280,000.00. This amendment is for an extension of time only. Upon a motion by Ms. Stockamp, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Amendment No. 2 to the Resurfacing Program Inspection Agreement.

- c. ENG-08-004; Curb and Sidewalk On-Call Inspection Engineering Services, Amendment No. 2
\$0.00 – Janssen and Spaans Engineering

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 2 to the Professional Service Agreement dated January 23, 2008 with Janssen and Spaans for Project ENG-08-004, Curb and Sidewalk On-Call Inspection Engineering Services for time only for an unchanged amount not to exceed \$100,000.00. This amendment will provide for additional contract time to allow the inspection firm to take on more assignments. Upon a motion by Ms. Stockamp, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Amendment No. 2 to the Curb and Sidewalk On-Call Inspection Engineering Services Agreement.

- d. ENG-07-007; Curb and Sidewalk On-Call Inspection Engineering Services, Amendment No. 4
\$0.00 – USI Consultants

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 4 to the Professional Service Agreement dated January 23, 2008 with USI Consultants for Project ENG-07-007, Curb and Sidewalk On-Call Inspection Engineering Services for time only for an unchanged amount not to exceed \$215,000.00. This amendment will provide for additional contract time to allow the inspection firm to take on more assignments. Upon a motion by Ms. Stockamp, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Amendment No. 4 to the Curb and Sidewalk On-Call Inspection Engineering Services Agreement.

- e. ENG-07-011; Curb and Sidewalk On-Call Inspection Engineering Services, Amendment No. 3
\$0.00 – Clark Dietz, Inc.

Staff recommended that the Board of Public Works approve Amendment No. 3 to the Professional Service Agreement dated April 9, 2007 with Clark Dietz (formerly known as Farrar-Garvey, Inc.) for Project ENG-07-011, Curb and Sidewalk On-Call Inspection Engineering Services in the unchanged not to exceed amount of \$160,000.00. This amendment will adjust the time on this contract to December 31, 2010. Upon a motion by Ms. Stockamp, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Amendment No. 3 to the Curb and Sidewalk On-Call Inspection Engineering Services Agreement.

- f. CS-26-012; Pogue's Run CSO 143 Basin Sewer Separation Design, Amendment No. 1
\$0.00 – Commonwealth Engineers

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 1 to the Professional Services Agreement between Commonwealth Engineers, Inc., and the City of Indianapolis, for Pogue's Run CSO 143 Basin Sewer Separation CS-26-012 for no change in original cost and an increase in contract time to December 31st 2012. This amendment to the agreement re-scopes the work to provide a more environmentally sustainable design of sanitary sewer separation and storm water treatment. This change allows our designer to allocate tasks that will be required for this sustainable design. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 6-0 to approve Amendment No. 1 to the Pogue's Run CSO 143 Basin Sewer Separation Design Agreement.

- g. BE-10-010A; Belmont Ozone Enhanced Ultraviolet Disinfection Facilities Design, Amendment No. 2
\$1,289,462.00 – Malcolm Pirnie, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 2 to the Professional Services Agreement between Malcolm Pirnie, Inc., and the City of Indianapolis, for Belmont Wet Weather Disinfection Facilities Design, Project No. BE-10-010A for an increased amount of \$1,289,461.00 and the total contract amount not to exceed \$2,346,122.00. This amendment is responsible for providing professional services to Preliminary and Final Design for Belmont Wet Weather Flow Disinfection Facilities, Schematic Drawings and Site Plan, Construction Cost Opinion, Project and other related services. Upon a motion by Mr. Parrin, seconded by Mr. Hughes, the Board voted 6-0 to approve Amendment No. 2 to the Belmont Ozone Enhanced Ultraviolet Disinfection Facilities Design Agreement.

- h. SD-41-007E; Wanamaker Downtown Relief Storm Sewer Project, Amendment No. 1
\$81,450.00 – United Consulting

Staff recommended that the Board of Public Works approve Amendment No. 1 to the Professional Service Agreement dated December 10, 2008 between United Consulting and the City of Indianapolis for Department of Public Works Project No. SD-41-007E, Wanamaker Downtown Relief Storm Sewer Project for an extension of 393 calendar days and a \$81,450.00 increase in project cost, for a total contract amount not to exceed \$646,170.00. This amendment provides for a 393 day extension to the contract schedule and an increase in project scope to provide additional survey and design services related to expanding the project scope and further evaluation of project alternatives. Upon a motion by Ms. Stockamp, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Amendment No. 1 to the Wanamaker Downtown Relief Storm Sewer Project Agreement.

- i. SY-00-077; Preliminary Engineering Report No. 6A and 6B, Amendment No. 2
\$0.00 – Black & Veatch Corporation

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 2 to the Professional Services Agreement between Black & Veatch Corporation and the City of Indianapolis for Preliminary Engineering Report, PER No. 6A and 6B, Project No. SY-00-007 for a time extension of contract completion to December 31, 2010. This amendment provides for changes in the original agreement completion time for engineer to complete remaining professional services necessary for approval of Preliminary Engineering Report (PER) 6B to project management, correspondence of SRF comments, necessary archaeological reconnaissance survey, and securing approvals of PER 6B. Upon a motion by Mr. Parrin, seconded by Ms. Stockamp, the Board voted 6-0 to approve Amendment No. 2 to the Preliminary Engineering Report No. 6A and 6B Agreement.

- j. WT-01-053; Advance Wastewater Treatment CIP, Amendment No. 5
\$126,927.00 – Greeley and Hansen Engineers

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 5 to the Professional Service Agreement dated April 9, 2003 with Greeley and Hansen, LLC for Project No. WT-01-053, Advance Wastewater Treatment CIP Construction Inspection Professional Services in the increased amount of \$126,927.00 for a total amount not to exceed \$3,655,792.00 and an extension of time to June 30, 2011. This amendment is for additional time to assist in the startup of the facilities and with the Standard Operating Procedure Manual for the Ozone Systems at Belmont and Southport Wastewater Treatment Facilities. Upon a motion by Mr. Hughes, seconded by Mr. Rosebrough, the Board voted 6-0 to approve Amendment No. 5 to the Advance Wastewater Treatment CIP Agreement.

- k. ENG-08-006; On-Call Land Acquisition Services, Amendment No. 1
\$0.00 – Bernardin Lochmueller & Associates, Inc.

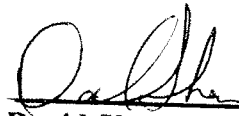
Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 1 to the Professional Service Agreement dated January 23, 2008 with Bernardin Lochmueller and Associates, Incorporated for Project No. ENG-08-006, On-Call Land Acquisition Services for an extension of contract time changing the contract expiration date from December 31, 2009 to December 31, 2012. This amendment adds time only and the original contract amount remains unchanged. This contract allows for continuation of on-call land acquisition services for municipal capital improvement projects. Upon a motion by Ms. Stockamp, seconded by Mr. Parrin, the Board voted 6-0 to approve Amendment No. 1 to the On-Call Land Acquisition Services Agreement.

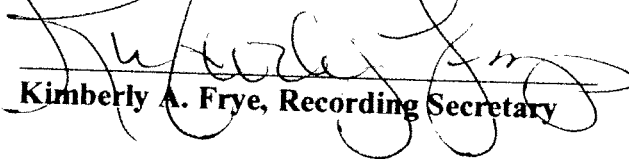
ITEM # 9 – OTHER BUSINESS

Mr. Nielsen mentioned that on November 11, 2009; the Board approved a contract with Parsons Brinckerhoff, Inc., of which should have been P B Americas. Further, he asked that the contract be modified to include the correct legal name and be re-executed.

Director Sherman thanked the Board members for their hard work and efforts, legal counsel for her labor, and the DPW staff for a successful year.

There being no further business the meeting of the Board of Public Works was adjourned at 2:52 p.m.



David Sherman, Chair

Kimberly A. Frye, Recording Secretary